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MAY 10 2005

In re Application of
Bernard Y. Malo
Application No. 09/892,472
Filed: June 28, 2001
Attorney Docket No. 702P06US-1

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.173(b), filed November 23, 2003 and March 11, 2005, to revive the above-identified application.¹

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 19, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 20, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of December 19, 2002 is accepted as having been unintentionally delayed.

The Associate Power of Attorney filed on March 28, 2004 cannot be entered since it was not signed by an agent or attorney of record. Note MPEP 402.02 & 405.

Pursuant to petitioner's authorization, Deposit Account No. 16-0600 was charged \$1,330.00 for the petition to revive an unintentionally abandoned application.

¹ The Office sincerely apologizes for the delay in responding to the instant petition and the inconvenience caused petitioner by this delay.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This file is being forwarded to Technology Center AU 2874.

Wan Laymon
Wan Laymon
Petitions Examiner
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for Patent Examination Policy